## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

MEDARBOR, LLC,	)
Plaintiff,	) Civil Action 2:18-cv-01249 ) Judge: Watson
	) Magistrate: Vascura
OHIO RIVER LABORATORY/	)
IPATH LLC., et al.,	NOTICE OF WITHDRAWAL OF
Defendants	) COUNSEL FOR DEFENDANTS

Now comes Patrick D. Quinn of Quinn Legal Associates, Inc., and respectfully moves this Honorable Court for an Order allowing him to withdraw as counsel for Defendant Ohio River Laboratory/IPath, LLC; Defendant Uday R. Shah; Defendant Mitali Uday Shah and Mustapha Moulad Chikh.

Pursuant to Rule 1.16(a) Subdivision (5), (6), (7), of the Ohio Rules of Professional Conduct:

- (a) Subject to divisions (c), (d), and (e) of this rule, a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if any of the following applies:
  - (5) the client fails substantially to fulfill an obligation, financial or otherwise, to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled.

Good cause exists for counsel to withdraw as counsel cannot properly represent Defendants in evaluating and constructing defenses to the claims in the Complaint and cannot properly evaluate and assert any applicable counter-claims. This situation has resulted from a near total lack of communication by the Defendants with counsel, a failure of Defendants to produce necessary documents to counsel, a failure to comply with the attorney-client agreement, and a failure to follow counsel's advice.

Wherefore, it is respectfully requested that this Honorable Court remove Quinn Legal Associates, Inc. as attorney of record for Defendant Ohio River Laboratory/IPath, LLC; Defendant Uday R. Shah; Defendant Mitali Uday Shah and Mustapha Moulad Chikh.

Respectfully submitted,

/s/Patrick D. Quinn

PATRICK D. QUINN (#0024806) QUINN LEGAL ASSOCIATES, INC. 2802 SOM Center Road, #102 Willoughby Hills, Ohio 44094 Office: (440) 516-3800

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Attorney for Defendants

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

MEDARBOR, LLC,			)
Plaintiff,			) Civil Action 2:18-cv-01249 ) Judge: Watson ) Magistrate: Vascura
OHIO RIVER LABORATORY/ IPATH LLC., et al.,			) ) ) <u>AFFIDAVIT OF PATRICK D. QUINN</u>
Defendants.			)
STATE OF OHIO	)	C-	
LAKE COUNTY	)	§:	

Before me, a Notary Public in and for said county and state, appeared Patrick D. Quinn, who, after first being duly sworn, deposes and says as follows:

- On December 4, 2018, I was contacted by Mustapha Moulad requesting immediate legal representation on behalf of himself, Ohio River Laboratory, Udah Shah and Mitali Shah (collectively referred to as "the clients") in the above captioned matter.
- In exchange for representation, the clients were requested to provide a number of documents and other evidence to counsel as well as provide counsel with a specified attorney fee retainer.
- I entered an appearance in the above captioned matter and sought leave of Court to file an answer on December 6, 2018 to protect the clients' interests.
- 4. Since that time, the clients have failed to provide me any of the requested documents,

failed to provide the attorney fee retainer, and have failed to maintain communication with me.

- 5. These failures have made it impossible to properly represent the clients in evaluating and constructing defenses to the claims in the Complaint and impossible to properly evaluate and assert any applicable counter-claims.
- 6. Good cause exists for counsel to withdraw as counsel.
- 7. I have served a copy of this affidavit and a motion to withdraw as counsel upon each of the clients via email to the following email addresses this 26<sup>th</sup> day of December, 2018: mshah@ohioriverlab.com; Moulad@wellnessanalysis.net; uday@ohioriverlab.com.

FURTHER AFFIANT SAYETH NAUGHT.

Patrick D. Quinn

Sworn to before me and subscribed in my presence this 26 day of December, 2018.

NOTARY PUBLIC

LINDSAY C. JONES
Notary Public, State of Onlo
Lifetime Commission
Recorded in Portage County

## PROOF OF SERVICE

A copy of the foregoing was served this 26<sup>th</sup> day of December, 2018 via the Court's electronic mail delivery system and/or regular mail and/or email to:

Brian Edward Dickerson, Esq.

Brian.dickerson@fisherbroyles.com

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Mitali Uday Shah 14626 Bradford Colony Drive Houston, TX 77084

Mustapha Moulad Chik 2099 Valley View Lane Farmers Branch, TX 7523

/s/Patrick D. Quinn
PATRICK D. QUINN (#0024806)
QUINN LEGAL ASSOCIATES, INC.
Attorney for Defendants